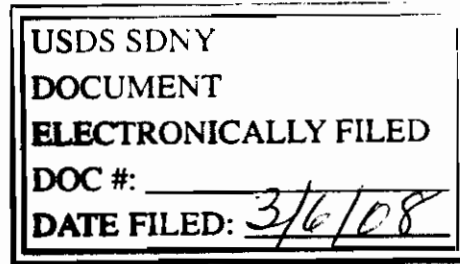
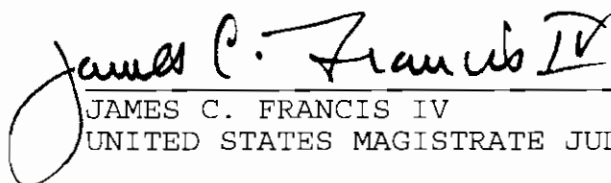


-----: 07 Civ 7261 (GEL) (JCF)
ALEXIS GRUYAIR, :
 :
Plaintiff, : REPORT AND
 : RECOMMENDATION
- against - :
 :
CORRECTION OFFICER COOK, et al., :
 :
Defendants. :
-----: TO THE HONORABLE GERALD E. LYNCH, U.S.D.J.:

The complaint in this action was filed on August 13, 2007, and service on the defendant was never effected. By letter dated February 20, 2008, I advised the plaintiff to submit within two weeks any reasons why the action should not be dismissed. I received no reply. I therefore recommend that the complaint be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(e) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Gerald E. Lynch, Room 910, and to the chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007. Failure to file timely objections will preclude appellate review.



Respectfully submitted,



JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
March 6, 2008

Copies mailed this date to:

Alexis Gruyair
05-A-3380
Green Haven Correctional Facility
Stormville, New York 12582